

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

**Original Application No. 200 of 2014
(C.W.P. No. 3727/1985)**

And

**Original Application No. 668 of 2017
(Earlier M.A. No. 923/2017)**

In

Original Application No. 200/2014)

IN THE MATTER OF:

M.C. Mehta Vs. Union of India & Ors.

And

M.C. Mehta Vs. Union of India & Ors.

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE U.D.SALVI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Present:

Applicant:

**Mr. M. C. Mehta Ms. Mehak Ms. Katyayni,
Adv.**

**Ms. Upama Bhattacharjee Mr. Sanjay
Upadhyay, Advs.**

Respondent:

**Mr. B.V. Niren and Mr. Vinayak Gupta,
Advs. for CGWA**

**Mr. Sanjeev Ralli and Mr. Dinesh Jindal,
LO for Delhi Pollution Control Committee**

**Mr. V. K. Shukla, Adv. and Mr. Himanshu
Dube, Advs. for State of Madhya Pradesh**

**Mr. Prakash Kumar Singh and Ms. Richa
Kapoor, Advs.**

**Ms. Vijaya Singh and Ms. Aishwarya Mishra
Advs**

**Mr. Shiv Mangal Sharma, Adv and Mr.
Saurab Rajpal, Adv**

**Mr. Gautam Singh and Mr. Shoeab Alam,
Advs. for State of Bihar**

**Mr. Gautam Singh and Mr. Rudreshwar
Singh, Adv. for BSPCB**

**Mr. Tarunvir Singh and Ms. Guneet Khehar
and Mr. Sandeep Mishra, Advs.**

Mr. Jayesh Gaurav, Adv. for JSPCB

**Mr. Vibhav Misra and Ms. Saumya Misra,
Advs.**

**Mr. Bhupender, LA for Central Pollution
Control Board**

Mr. Ishwer Singh, Adv for NMCG

**Mr. Appana Poddar, Adv with Mr.
Bhupender, Kumar, LA, CPCB**

**Mr. Pradeep Mishra, and Daleep Dhyani,
Adv. for UPPCB**

Mr. Mukesh Verma, Adv. for UPCEB

Mr. Raj Kumar, Adv. and Mr.

Bhupender Kumar,

LA, Central Pollution Control Board.

**Ms. Asha Basu Mr. Amit Agarwal, Adv. for
West Bengal Pollution Control Board**

**Ms. Puja Kalra, Adv. for South and North
MCD**

**Mr. Shiv Mangal Sharma, Mr. Saurabh
Rajpal and Ms Shikha Sandhu, Adv.**

**Mr. I.K. Kapila, Adv. for Uttar Pradesh Jal
Nigam, UK Pey Jal Nigam and Kanpur
Nagar Nigam**

**Mr. Vijay Hansaria, Sr. Adv, Mr. Amit
Anand Tiwari, and Ms. Vishakha, Advs. for
State of Uttarakhand**

Mr. Om Prakash, Adv. for M/o Railways
Mr. Pradeep Misra, Mr. Daleep Dhyani,
Advs. for UPPCB
Dr. Sandeep Singh, Adv for State of Uttar Pradesh.
Mr. Ajay Marwah, for HPPCB
Mr. Santosh Kumar, Adv for UPSIDC
Ms. Yogmaya Agnihotri, Adv. and Ms. Prity,
Adv. for CECB
Mrs. D. Bharathi Reddy and Ms. Vidyottma,
Advs for State of Uttarakhand.
Mr. Raja Chatterjee, Mr. Chanchal Kr. Ganguli for State of WB
Mr. Rajul Shrivastav, Adv MPPCB
Ms. Priyanka Sinha, Advs. for State of Jharkhand
Mr. Anil Grover, AAG, Mr. Rahul Khurana Adv. for State of Haryana and HSPCB
Mr. Atul Batra, Adv. for Mother Dairy
Mr. Mukesh Verma, UEPPCB
Mr. R.N. Sharma, Advs. for Agra Nagar Nigam
Mr. Sanjeev Ralli adv with Mr. Dinesh Jindel LO
Mr. Varun Thakur, and Mr. Kumar Ajitabh Advs. with Mr. Sandeep Director and Dr. Pravin Kumar Director for NMCG
Ms. Panchajanya Batra Singh Adv. for MoEF and CC
Mr. Rajesh Raina, Adv.
Mr. Santosh Kumar, Adv. for UPSIDC
Mr. Attin Shankar Rastogi and Mr. Prateek Yadav, Advs. for Ministry of Environment, Forest and Climate Change

Date and Remarks	Orders of the Tribunal
<p> Item No. 16 & 17 December 15, 2017 </p>	<p> We have heard the Learned Counsel appearing for all the stakeholders as well as Dr. A B. Akolkar, special Member of the Committee constituted by the Tribunal in relation to STPs at Haridwar. We have already passed the order on the previous dates of hearing. Today, we will deal with the 3 CETPs and other ancillary issues which are primarily concerned with the cleaning of river Ganga in Haridwar and surrounding areas. </p> <p> The CETP at Haridwar is of the capacity of 4.5 mld and the current flow at the inlet point is noticed as 3.5 mld. In other words this CETP is under-utilized. It is pointed out by the Members of the Committee, who have physically examined the CETP as well as the surroundings areas, that Lagoon where effluents from the CETP is stored has been found to be non-compliant to the </p>

	<p>Item No. 16 & 17</p> <p>December 15, 2017</p>	<p>prescribed parameters. The analysis report revealed that the BOD and total coliform are much beyond the prescribed standards. The other deficiency pointed out is that there are two other drains which carry both sewage and some elements of industrial effluents as well. These drains are not connected to any CETP/STP and directly meet the river Sukhi which is a tributary of river Ganga.</p> <p>Learned Counsel appearing for the State of Uttarakhand has stated that CETP per se is operating satisfactorily and after passing of the order of the Tribunal its working has improved. However, he has not challenged two other issues pointed out by the Committee.</p> <p>Learned Counsel appearing for the National Mission for Clean Ganga upon instructions from the Senior Officer present submits that the observations made by the Committee are correct and should be attended to.</p> <p>It is pointed out by the National Mission for Clean Ganga in which we find some merits that two drains are carrying industrial effluents and if all industries are connected to the CETP at Haridwar than these drains should have no industrial effluents. Thus we direct that the joint inspection team shall conduct a survey and whichever the industries are not connected to CETP they should be connected within three weeks from today. In the event of default those industries shall be liable to close down without any further notice. This will also include the industries which might have constructed the bypass.</p> <p>In view of the above we pass the following directions in relation to CETP at Haridwar:-</p> <ol style="list-style-type: none">1. The agency responsible for maintaining and
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operating the CETP at Haridwar should ensure that the plant operates satisfactorily and regular records of effluents at inlet and outlet are maintained. The Pollution Control Board of Uttarakhand in consultation with the National Mission for Clean Ganga shall maintain regular supervisory control over the working of this CETP.

Two local drains which are in the Haridwar industrial area should be connected to the CETP at Haridwar and the CETP at Haridwar should be upgraded or in alternative, the two drains be intercepted and a separate CETP/STP should be put on them as their discharge is stated to be 3 to 4 mld which is obviously in excess of the remnant capacity of the CETP-SIDCUL Haridwar which is 4.5 mld and already receiving 3.5 mld.

2. As effective regulation of each and every industries may not be physically possible, particularly in regard to their regular performance, we direct that, as the drains are carrying industrial/hotels/domestic discharge, all the industries, hotels shall be liable to contribute on the polluter pays principle for construction of the CETPs/STPs as above directed.
3. We leave it for National Mission for Clean Ganga, Uttarakhand Pollution Control Board and SIDCUL to determine which of the stated two options would be more effective in dealing with the pollution.
4. The environmental compensation payable in terms of the Section 15 of the National Green Tribunal Act,

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2010 shall be on the basis of the rooms of the hotels and the quantum of the effluents being discharged by the industry- more the rooms or more the discharge, higher shall be the contribution. We leave it for this Committee to determine the amount payable by each industry/hotel as aforesaid. If any person fails to contribute upon demand from the concerned authority their water and electricity supply would be liable to be disconnected.

5. The State of Uttarakhand, Uttarakhand Pollution Control Board and SIDCUL shall ensure that the discharge entering in the lagoon should not exceed the prescribed parameters. Steps should be taken to dredge the lagoons to remove the existing pollutants and dilution of the lagoon to take place in order to ensure that there is appropriate dilution to bring the parameters within the prescribed limits. Thereafter no pollutants in excess of prescribed limits should be permitted to enter the lagoons. The sludge is taken out from the lagoon should be maintained strictly in accordance with the relevant rules. If necessary it should be sent to TSDF at Roorkee and there shall be vehicles carrying sludge should be fitted with the GPS systems and due regular log-book should be maintained at the point of transportation and receiving entities.

CETP at Pant Nagar

This CETP has a capacity of 4 mld and presently it is receiving only 1.25 mld of effluents/sewage. The performance of this CETP though appears to be within

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the prescribed limits but obviously it is receiving effluents much below its capacity. Furthermore, the industries are causing direct pollution as the CETP is being either bypassed or industries are not treating their effluents and are not putting them in the drain/conveyor belt leading to the CETP. It is stated that there are nearly 520 industries out of them 213 industries are connected to this CETP. The CETP is supposed to treat the entire effluents generated in the industrial area.

Thus, in view of the above we pass the following directions.

1. The agency responsible for maintaining and operating the CETP at Pantnagar should ensure that the plants operates satisfactorily and regular records of effluents at inlet and outlet are maintained. The Pollution Control Board of Uttarakhand in consultation with the National Mission for Clean Ganga shall maintain regular supervisory control over the working of this CETP.

2. The State of Uttarakhand, Uttarakhand Pollution Control Board and SIDCUL shall ensure that the discharge entering the Lagoon should not exceed the prescribed parameters. Steps should be taken to dredge the Lagoon for removal of the existing pollutants, and dilution of the Lagoon to take place in order to ensure that there is appropriate dilution to bring the parameters within the prescribed limits. Thereafter, no

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pollutants in excess of prescribed limits should be permitted to enter the Lagoon. The sludge taken out from the Lagoon should be maintained strictly in accordance with the relevant rules. If necessary, it should be sent to TSDF at Roorkee and there shall be vehicles carrying sludge should be fitted with the GPS systems and regular log-book should be duly maintained at the point of transportation and receiving entities.

3. All the industries at CETP, Pant Nagar industrial cluster should be connected with the CETP within 8 weeks from today and if any industry is not connected within that period to the CETP the industry shall be shut down and they would not be permitted to operate without specific order of the Tribunal. Once all the 520 industries are connected to CETP obviously it will approximately receive the effluents equivalent to its capacity. If this exercise is not taken that would apparently mean that pollutants are being sent directly untreated into the river/ water bodies or the drains ultimately leading to the river Ganga.

CETP AT SITARGANJ

This CETP has a capacity of 4 mld and currently it is receiving the effluents to the extent of 2.5 mld,. This carries both the sewage and the trade effluents. The plant has been found to be not meeting the prescribed standards. The plant is not handling the waste effluent/

	<p>Item No. 16 & 17</p> <p>December 15, 2017</p>	<p>sewage strictly in accordance with the relevant rules.</p> <p>Learned Counsel appearing for the Project Proponent i.e. Agency that is operating the CETP submits that they were advised by the IIT Roorkee to change the media and do its upgradation, and they were in the process doing upgradation when the effluents were collected, and now they have changed the media and have also taken steps to upgrade the plant and currently the plant is operating satisfactorily.</p> <ol style="list-style-type: none">1. The agency responsible for maintaining and operating the CETP at Sitarganj should ensure that the plant operates satisfactorily and regular records of effluents at inlet and outlet are maintained. The Pollution Control Board of Uttarakhand in consultation with the National Mission for Clean Ganga shall maintain regular supervisory control over the working of this CETP.2. All the industries and other units must be connected to the conveyor belt leading to the CETP. The CETP has a capacity where it can receive more effluents/sewage and all industries should be connected to the CETP within 8 weeks from today. They should immediately take steps to handle the sewage/waste effluent in accordance with the rules and transport the sludge to the TSDF at Roorkee.3. We make it clear that all the stakeholders including State should enforce these directions strictly as per the time schedule provided. In the event of default the agency operating the CETP shall be liable to pay environmental compensation of Rs. 50,000/- per
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	<p>Item No. 16 & 17</p> <p>December 15, 2017</p>	<p>day for each default. The officers who are found to be responsible for non-compliance of the directions would be liable to be proceeded against in accordance with the law including for violating the order of the Tribunal.</p> <p>It is stated on behalf of State of Uttarakhand that 50 kms stretch of river Ganga in Haridwar and 10 kms stretch in Uttarakashi has been demarcated for delineation of High Flood Line. The process in these two segments has been completed. However, for the remaining stretch of river Ganga in Uttarakhand, the Cabinet had already granted its approval and the State Government and other stakeholders shall take appropriate steps without further delay. Let the entire exercise for demarcation of HFL in the Ph-1 Segment A be completed within three months from today without default. In the event of non compliance the concerned officer shall be liable to be proceeded against in accordance with the law in terms of the judgment till then no construction would be permitted in the Flood Plain in consonance with the judgement of the Tribunal in the case of <i>Indian Council for Enviro-Legal Action v. National Ganga River Basin Authority & Ors.</i> we reiterate that in the area falling within 50 mtrs from edge of the river in the hilly terrain no construction would be permitted, nor any other activity carried out and it shall be treated as Prohibitory Zone. Beyond 50 mtrs and up to 100 mtrs in the hilly terrain it shall be treated as Regulatory Zone. Regulatory activity shall be notified by the State and till that time there shall be no construction activity permitted in that area. Once the</p>
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	<p>Item No. 16 & 17</p> <p>December 15, 2017</p>	<p>river enters the plain or even hilly areas where width of the river is more than 70 mtrs, in that event area of 100 mtrs from the edge of the river shall be treated as Prohibitory Zone while 100 mtrs to 300 mtrs would be treated as Regulatory Zone and till the time the State notifies the restricted activities, there shall be no construction activity even in the Regulatory Zone.</p> <p>It is fairly stated by the Learned Counsel appearing for the State that plastic use have considerably reduced but certainly it has not been stopped totally. He further states that notification banning the plastic and thermocol has been issued. However, the same has not been fully implemented as yet.</p> <p>The Learned Counsel appearing for the other parties including the Committee Members submit that the plastic and its remnants cause pollution of river Ganga. We reiterate our order passed in the judgment and we totally prohibit the use of any kind of plastic i.e. plastic bags (irrespective of their thickness), cutlery, plastic, plates etc in the entire towns located at the bank of river Ganga or its tributaries. There shall be total prohibition particularly in Haridwar at places like Harkipauri, Lakshman Jhoola and Chandi Peeth and all other places in Haridwar and Rishikesh and upper regions.</p> <p>We further direct that there shall be complete prohibition on manufacturing and sale of the plastic products in these areas.</p> <p>It may be noticed that various State Governments have already passed special prohibitory directions and are being effectively implemented even the places like Shimla</p>
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and Chandigarh and other parts of the country. There is no reason why the State of Uttarakhand and Uttarakhand Pollution Control Board should not implement these directions strictly and without default. For each default of the local authority, the Pollution Control Board shall levy environmental compensation of Rs. 5000/- and submit the compliance report to the Tribunal.

BIO-DIGESTERS

Learned Counsel appearing for the State submits that the bio-digesters in terms of the judgment of the Tribunal have not been constructed in the entire area as yet. He further states that transportation of the sludge or other material collected in the bio-digester has not been started as of now. It is stated that on experiment basis one bio-digester installed in Uttarakhand did not show good results satisfying the prescribed parameters. However, the Learned Counsel appearing for Uttarakhand Jal Nigam submits that when on the advice of the IIT Roorkee the bio-digester was fixed with the filter for proper filtration, it performed within the prescribed limits.

In light of the above we direct the State of Uttarakhand to comply with the directions contained in the order in relation to the installation of bio-digesters fixed with the filter as advised by the IIT Roorkee and which have already proved to be successful and let this exercise now be positively completed within 6 months from today. In the event of default appropriate action shall be taken against the defaulting officers irrespective of their status.

With the above we close this case as far as Ph-I

	<p>Item No. 16 & 17</p> <p>December 15, 2017</p>	<p>Segment A is concerned. However, we further direct that the compliance report shall be submitted to the Tribunal every month by the Uttarakhand and Uttarakhand Pollution Control Board, SIDCUL and Pey Jal Nigam. This report shall be provided in advance to the Special Committee constituted by the Tribunal and Committee would be entitled to verify the contents thereof and submit a final report to the Tribunal.</p> <p>Learned Counsel appearing for the State is granted final opportunity to submit complete and comprehensive report in relation to the compliance of the directions passed in respect of under construction of hydel project, construction of STPs and other preventive steps that they were required to take for protection of environment in terms of the judgment of the Tribunal.</p> <p>The BHEL shall also place its report before the Tribunal.</p> <p>List these matters on 23rd January, 2018.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,JM (U.D. Salvi)</p> <p>.....,EM (Dr. Nagin Nanda)</p>
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